Single Bench

(1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 4574 OF 2004

BETWEEN

Smt. Anita Khande W/o Amit Paul, aged about 26 years, Resident of Nayamunda Ward (Near Mission School) Jagdalpur, District Jagdalpur (CG).

P.R. No. 4554/04
Presented by Shri ...
dated 2-11-04

PETITIONER

A N D

1. The State of Chhattisgarh, through the Secretary, Public Health and Engineering Department, Mantralay D.K.S. Building, Raipur (CG).

2. The Secretary, General Administration Department, D.K.S. Building, Mantralay, Raipur (CG).

3. Chief Medical and Health Officer, At Jagdalpur, District Bastar (CG).

4. Block Medical Officer, Primary Health Centre Kondagaon, Bastar District Bastar (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT(S) OF MANDAMUS, CERTIORARI AND OTHER ORDER(S) /DIRECTION (S) ETC

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4574 of 2004

Petitioner — Smt. Anita Khande

Versus

Respondents — The State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Virendra Sharma, Advocate for the petitioner.

Miss Deepali Pandey, Panel Lawyer for the respondents/State.

ORDER

(Passed on this 23rd day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Multipurpose Woman Health Associate in Primary Health Center, Nangur, Block Jagdalpur was transferred to Kondagaon, on the same terms and conditions vide impugned transfer order dated 9.11.2004 (Annexure P/1) within the same district Jagdalpur.
2. This Court vide interim order dated 13.4.2005 directed that not to relieve the petitioner, if the petitioner was not already relieved.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur